

# **LONG-TERM-CARE COORDINATING COUNCIL**

## **Full Council Meeting**

**Wednesday, January 12, 2005**

**Room 313 – State House**

**Providence, Rhode Island**

**10:15 a.m. to 11:30 a.m.**

## **Meeting Minutes**

**The meeting was called to order at 10:20 a.m. by Chairman Fogarty.**

**In attendance were:**

**Lt. Gov. Charles Fogarty, Chairman**

**Maureen Maigret, Executive Director Ray Rusin (representing Dir. Nolan)**

**Maria Barrows Patrick Quinn**

**Mary Benway Sen. Elizabeth Roberts**

**Corrine Calise-Russo Nancy Roberts**

**Cynthia Conant-Arp Al Santos**

**Gail Hebert Bonnie Sekeres**

**Elizabeth Earls Karen Smith**

**Jim Flanagan Susan Sweet**

**Dick Freeman Sr. Marietta Walsh**

**Sen. June Gibbs Kathy Heron (rep. R. Hawkins)**

**Guests:**

**Don Williams Paula Parker Susan Leone**

**Roberta Merkle Kathleen Kelly Roberta Merkle**

**Chris Novak Judy Jones Mary Bennett**

**Joan Kwiatkowski Kathleen McKeon Jessica Buelher**

**Approval of Minutes of December 8, 2004 – Upon motion of Ms. Sekeres seconded by Mr. Freeman the minutes of the December 8, 2004 meeting unanimously approved as distributed.**

**Chairman's Report –**

**Chairman Fogarty announced that Senator Perry and Representative McNamara would introduce the "Germaine Morsilli Nursing Facility Quality Improvement and Reform Act" which embodies many but not all recommendations of the Task Force on Nursing Facility Closures put forward in November. (See Attachment # 1). Chairman Fogarty thanked all those involved for their input. He said the legislation is a start and he looks forward to working with the members of the Joint Committee on Health Care Oversight and others who have similar interests so that we can get legislation passed to meet the needs and provide security to our seniors and provide the Department of Health with the resources it needs to do the job properly.**

**Chairman Fogarty stated that the Nursing Home Pilot Family Survey which is part of the public reporting program under the "Fogarty Law" has been very successful and all the nursing homes have participated with a return rate from family members of 43 percent. Chairman Fogarty thanked Mr. Santos and his group as well as RIAFSA on their support for the survey which will provide useful information for us and the facilities. He said the cost for doing the survey was**

reimbursable under Medicaid and Rhode Island is the first and only state with a statewide program as well as having a funding mechanism developed. The next phase is the consumer phase which will begin a few months down the road.

Chairman Fogarty announced that the Governor will give his State of the State on January 18th and he was combining the State of the State with the Budget but the budget would not be available until January 20th. Chairman Fogarty said he would ask representatives from DHS, DEA, DOH and MHRH to outline their budgets and give presentations at the council's February meeting regarding the proposals in the budget and the impact on long term care and aging programs.

Chairman Fogarty commented on Dr. David Gifford's nomination as Director of the Department of Health. Chairman Fogarty noted that Dr. Gifford is very well known to the council and his strong and abiding interest in long-term health care issues is a plus and he looks forward to working with him. Dr. Gifford has worked with the council on a number health care quality issues with the Quality Institute, the Health Care Quality Reporting Law and RI Quality Partners.

#### **Committee – Project Report – Commission Reports**

**Fall Prevention Partnership – Ms. Maigret noted that many members of the Fall Prevention Partnership worked on a Falls Prevention Task Force with the Department of Health Injury Advisory Council and that Task Force completed developing a set of proposed objectives and the Task Force is in abeyance as it completed its initial charge. Ms.**

**Maigret said she would be presenting the draft objectives to the Injury Advisory Council on January 27th. This committee is headed up by Suzanne Carcieri, Attorney General Patrick Lynch and former Senator Tom Izzo. Ms. Maigret said if they approved the objectives, those objectives will become part of a grant application for funding from CDC and they will not know for quite a while whether that funding is approved. Ms. Maigret said if the grant is approved the work group would reconvene to determine lead agency responsible to carry out the objectives.**

**Ms. Maigret also noted that RI Quality Partners is working with the RI Health Care**

**Association to have a training on fall prevention in nursing homes on February 9th**

**and when she has the details she will notify council members.**

**Ms. Maigret noted a program developed by CARELINK that she has just read about**

**"Seniors in Motion" -- that looks like it will have a major fall prevention component**

**addressing fall prevention in assisted living residences. She complimented Joan**

**Kwiatkowski for this initiative.**

**Ms. Maigret said she would start to do the planning for a program she wants to**

**present in May on the principles of behavior modification as a means of promoting**

**fall prevention activities. She will provide more details as the planning progresses.**

**LTCCC Budget Report FY2004 – Ms. Maigret**

**Ms. Maigret stated that the budget report is underway and had nothing further to report on at this time.**

**C. Legislation Subcommittee – Ms. Maigret**

**Senator Gibbs gave council members a brief summary of the Legislative Subcommittee meeting. Senator Gibbs noted that the legislative tracker had been passed out to council members. (See Attachment #2). Senator Gibbs noted that the subcommittee approved the re-introduction of items 1-6 with changes recommended by Ms. Maigret and that Item #7 – Criminal Background Checks for Nursing Homes was added to the list. Mr. Santos noted that the Attorney General's office applied for a federal grant for this and wanted to know if it had been received. Senator Gibbs stated that**

there was a question on the cost of fingerprints. Mr. Santos said the grant could absorb the cost of the fingerprints. Ms. Maigret noted that she had spoken with Cindy Soccio of the AG's office and that the funding issue needed to be addressed and they need to look at a vehicle for funding and they were just discussing this now. She will inquire about the status of the AG's grant request for which Chairman Fogarty had submitted a support letter. Ms. Maigret suggested that they get a group together comprised of the AG's office, Al Santos and other interested groups. Ms. Sweet, seconded by Ms. Sekeres moved to accept the proposed legislative package approved by the Legislation Subcommittee. The motion carried. Mr. Freeman abstained. Ms. Barros noted that the dental bill does not include home care patients and felt this needed to be addressed. Ms. Maigret said that legislation had been introduced last year by RIHCA but did not pass. Mr. Santos said they may reintroduce the bill again this year. Senator Roberts commented that the Commission on Oral Health was looking at this. Senator Roberts said that CareLink has a grant for dental care but they are only looking at nursing home residents. Ms. Sweet wanted the LTCCC to speak to Senator Roberts to make her aware of the council's concerns for dental care for our elders and request that the legislation be reintroduced. Senator Gibbs noted that there was one more item on the legislative agenda regarding the Community provider index and that Legislative Subcommittee recommended to support the legislation when it was introduced. Mr. Quinn, seconded by Ms. Arp moved to support the provider index. The motion carried with Mr. Freeman abstaining.

**Senator Gibbs requested that the Council support level funding for RIPAE and the Medicare Part D to help provide coverage to cover the costs of co-pays and deductibles. Ms. Maigret said the Council could support how RIPAE coordinates with the Medicare Part D for co-pays and deductible coverage to have level funding. Ms. Maigret asked Director Russo if DEA has addressed the gaps in RIPAE and Medicare Part D. Ms. Russo said they do not know at this time what the gaps will be and there was no way to anticipate what the changes would be in Rhode Island. Ms. Sweet asked the Council to endorse the concept of level funding for RIPAE. Ms. Maigret stated that she could send a letter to Director Russo from the LTCCC Chairman endorsing the concept of level funding for RIPAE. Ms. Sweet also asked that the letter be sent to the Governor, the Senate members and the House members. Ms. Sweet seconded by Mr. Quinn moved to have the Chairman send a letter on behalf of the Council endorsing level funding for RIPAE. The motion carried.**

**RI HEALTH Monthly Survey Report – Ray Rusin, Chief Office of Facility Regulations - DOH (See Attachment # 3).**

**Mr. Rusin reported on the December Nursing Home Substandard Care Report. Mr. Rusin reported that the department had done six annual surveys since the last report. He also noted that there were no substandard quality of care reported. Mr. Rusin said that Oakland Grove which was subject of an enforcement action is being monitored by HEALTH. Mr. Rusin reported when they revisited the facility on 12/28/04 the facility was in full compliance and the**

Medicare termination date had been removed but that a penalty still had to be assessed. As of January 4th they have allowed Oakland Grove to have re-admissions of three persons per day and they must file weekly reports on the admissions with the department. Mr. Rusin said the department will continue to monitor Oakland Grove. Mr. Rusin reported that deficiencies against the Harborside Greenwood Nursing & Rehabilitation Center are still outstanding and they are banned from admissions. Mr. Rusin said they are pending a third follow-up survey on this facility and will report back to the council on this. Mr. Rusin reported that Haven Health Center of Greenville was not in substantial compliance and that the facility had filed a plan of correction with the department and the plan of correction was acceptable. Mr. Rusin said they are pending an unscheduled follow-up visit to the facility. Mr. Rusin also reported that there were two more facilities, Village House in Newport and Rosewood Manor, that received enforcement action and would have to be added to the report. Mr. Rusin reported that they did not have actual harm but that they were not in substantial compliance. Mr. Rusin said he would amend the report and give it to Ms. Maigret for the minutes. Chairman Fogarty noted that Haven Health and Harborside both had March termination dates from Medicare/Medicaid. Mr. Rusin replied that he was working with Mr. Young at DHS on this. Chairman Fogarty asked when the notice would have to go out on the termination. Mr. Williams replied that notice has to go out 30 days from the termination date for the residents.

Mr. Rusin reported that they have received approval to hire the

**assisted living surveyor candidate and that person will be on line in 30 days and the department will then have two full-time surveyors.**

**Report on Survey of SSI Assisted Living Resident Need – Frank Spinelli (Invited)**

**Ms. Maigret noted that Mr. Spinelli had a prior commitment and could not attend the meeting but he would provide a survey for the February Council meeting.**

**VII. 2005 Proposed Work Plan – Status Report – Ms. Maigret and LTCCC Members**

**(See Attachment #4)**

**Ms. Maigret reviewed the 2005 Work Plan with Council members. Ms. Parker had a recommendation regarding fair and rational reimbursement for home and community care and Ms. Maigret noted that she would add this item under the infrastructure section. Ms. Parker wanted to know if this would be part of the budget. Ms. Maigret asked Senator Roberts to address the reimbursement methodology for nursing homes and how it would be addressed. Senator Roberts replied that her committee was looking at the infrastructure issues and the finance committees would be looking at the reimbursement issues. Ms. Maigret asked Senator Roberts about the feedback on RIPAE and Medicare Part D and affordable drugs which was addressed at the legislative committee. Senator Roberts replied that the Health Care Oversight Committee was looking at Medicare Part D and what the impacts would be. Ms. Maigret reiterated the Councils**

endorsement of level funding for the RIPAE program to address the gaps. Ms. Barros felt the issue of dental care in the work plan may be too broad. Ms. Maigret said they have designated lead agencies to address dental care and Senator Roberts stated that DHS needed to be added to this list. Mr. Freeman said proper hygiene and prevention care could prevent the issue of dental care emergencies. Mr. Santos noted that there are 2.5 million prescription drugs thrown away and wanted the Council to see what they could do with these medications. Ms. Maigret said RIHCA had introduced legislation on this last year. Mr. Santos said they may reintroduce this legislation again this year. Chairman Fogarty noted that Representative Sullivan was putting legislation forward on this. Ms. Maigret suggested that they address this at the next council meeting. Mr. Quinn said they needed to address federal financing such as Medicaid and make it clear that these decisions need to be addressed at the Washington level. Ms. Maigret responded that language about federal efforts for Medicare/Medicaid had been put in last year's Work Plan and that they could once again address this in the 2005 Work Plan. Ms. Maigret noted that they she and other LTCCC members will continue to monitor and advocate for federal funding and members agreed that Ms. Maigret should add language to this effect.

#### **VIII. Announcements and Public Comments**

Susan Leone passed out an article from a trade magazine (See Attachment #5) which discussed reverse mortgages and how they could be used for long-term care insurance. She informed council

members that HUD was looking for public comments on this issue until February 1st.

Cindy Conant-Arp announced that there would be a Provider Index Rally at the State House on Thursday, January 27th from 2:00 p.m. to 5:00 p.m. with a speaking program from 3:00 p.m. to 3:30 p.m.

Kathy McKeon, DEA passed out a pamphlet on "Community Living Options" put together by DEA and DHS. (See Attachment #6)

Ms. Maigret congratulated Kathy McKeon and Dianne Kayala on putting together the brochure and getting it done within the two years.

Mr. Rusin announced that there was a movie coming out on February 2nd called Assisted Living. He said the movie may not be complimentary to assisted living residences but recommended that council members see the movie as they may have to address this. Mr. Rusin said you can view the trailer at <http://www.assistedlivingmovie.com>.

## **IX. Adjournment**

The meeting adjourned at 11:15 a.m. The next meeting is scheduled for Wednesday, February 2, 2005 at 10:00 a.m. in Room 313 – State House.